Chapter Eight

Current Experience With Nutritional Information in the EU and Chile: How Brazil Could Benefit

Daniele Bianchi

Food does not escape from the intervention of lawmakers around the world. Today even eating habits fall under the protective hands of the law.

The fight against obesity and the search for simple ways to communicate nutritional messages to consumers is a priority in Brazil and in many other countries in Latin America. Governments on both sides of the Atlantic are working on legal solutions to protect consumers for public health reasons, with different approaches that are undoubtedly influenced by the political, economic and legal systems in which they are developed.

At the same time, practical testing is ongoing in Europe and Latin America on alternative nutritional labels for consumer information.

In some ways, two lines can be identified: on the one hand, a soft voluntary approach addressing an apparently educated and informed consumer; and on the other hand, a more direct approach stigmatising products for an unaware consumer. At first sight, these two lines appear so distant from each other and, in many aspects, diametrically opposed, that it might seem unfruitful even to dare a comparison. Yet it is possible to draw some lessons from the concrete implementation of the two approaches in order to develop a halfway approach that could be useful for countries still in the process of thinking or rethinking their nutritional information. This would be the case of Brazil.

In the end, there is common ground where both these approaches find a point of contact. The EU and Brazil are two important traders in the Atlantic. Following the freezing of negotiations on the Transatlantic Trade and Investments Partnership (TTIP) between the EU and the US after the last presidential election in the United States, the current negotiation of a trade agreement with MERCOSUL—where Brazil is the main actor—is again on top of the EU's political agenda.

The scope of this chapter is not, however, to examine the difficult negotiations for this future agreement, which have been ongoing for ages.

The fact that two important actors in the Atlantic ring are searching for solutions to protect their respective consumers will certainly have repercussions when and if the two actors conclude a common trade agreement, even if this agreement does not cover those areas directly.[1]

This chapter focuses on the evolution of nutritional information for consumers in the EU and Brazil, taking account of similar and parallel experience that is ongoing in other parts of Latin America. In the jungle of pure marketing, and in the marshes of the indications, labels and logos that invade the space on the packaging of foodstuffs, it is not always easy for the consumer to separate the wheat from the chaff.[2] In several European and non-European countries, testing is being carried out on nutritional information. Does this answer consumers' expectations? And which consumers?

Eating healthily today cannot be restricted to one social class but should be the normal choice for any consumer who is educated, informed and aware of their role. By reading the packaging of food products, consumers should be able to choose to buy products that are aimed at feeding their body, rather than products that are artificially highly processed—as are most processed products or soft drinks on the market, which only fill your body.

We shall discuss the advantages and disadvantages of the British, French and Chilean experience, before seeing how Brazil could benefit from this experience[3] and before putting forward an alternative proposal.

The role of the EU in consumer protection

The EU was not built in a day. It is the fruit of years of negotiations, compromises, legal evolutions and jurisprudential interpretations.

---

1. See the attempt of Trump administration to limit the ability of NAFTA's members (including the US) to warn consumers about the dangers of junk food in the current ongoing trade talks, as reported by *New York Times*, 20 March 2018.
2. See D. Bianchi, *Comment lire l'étiquette d'un aliment…et reconnaître faux produits naturels et vrais produits chimiques!*, Les points sur les i, Paris, Dec. 2017, p.170. Currently being translated into Italian, Portuguese and English.
3. Other experiences are ongoing in Sweden, Denmark, Norway and Iceland, in Europe, as well as in Australia and New Zealand. In South America, Ecuador is experiencing a variation of the UK traffic lights system and Uruguay is doing public consultations on a model based on the Chilean experience. This latter could have an impact as Uruguay is part of the MERCOSUL where the nutritional labelling is among the harmonised rules inside the group.

Today, it is inconceivable that consumers of the single European market should be subject to different rules across national borders, and even less so that the protection of public health should be affected by administrative or political barriers. Unfortunately, in their nationalistic deliriums, Europhobic parties (because referring to euro-scepticism is an understatement) put half a century of European construction at stake when asking their countries to consume only domestic products and to close their borders to imported products.

The need to complete the single market has been essential to harmonise large parts of national legislations that traditionally produced only for their own national market. Today, nobody (except disqualified politicians for internal reasons) doubts the enormous contribution made to European construction by food law and the case-law of the Court of Justice since the so-called 'Cassis de Dijon'[4] judgment.

Progress has also been determined by "difficult times,"[5] which have led to enhancing the construction of the single market not only for EU industry and trade but, much more, for European citizens, who have become increasingly reconciled around a set of common rules, values and principles.

Information is a key element in consumer protection, as established by Union law.[6]

Consumers have the same rights across the European Union regardless of their nationality: the same right to healthy products which comply with hygiene rules, the same right to have the same information on products to enable them to make an informed choice at the time of purchase, and the same right to be able to eat food safely in compliance with health, economic, ecological, social and ethical standards. They also have the same right to protection if a problem arises following the purchase or consumption of a food product in any EU country.

4. ECJ, 20 février 1979, case 120/78, Rec. 1979.
5. See C.Blumann, V. Adam, "La politique agricole commune dans la tourmente : la crise de la 'vache folle'," *RTDE*, Paris, n° 2, avril-juin 1997, pp. 239-293) ; N. DE Grove-Valdeyron, La protection de la santé et de la sécurité des consommateurs à l'épreuve de l'affaire de la dioxine, *RMCUE*, n°433, 1999, p. 700 et s.
6. Cf. article 12 TFEU, article 169 TFEU and article 38 Charte des droits fondamentaux de l'Union européenne.

Sellers of sensations

"Advertising is the soul of trade". Fortunately, the European legislator[7] intervened to impose certain rules on wandering souls that would have otherwise tried to mislead the consumer. The emotional effects provoked by advertising or images representing ingredients or by the denomination of a product must not be misleading to the consumer. Regulation (EU) No 1169/2011[8] (along with Regulation (EC) No 178/2002 laying down the general principles and requirements of food law) constitutes one of the foundations of European Food Law.[9]

Food information, used by multinationals as bait, is the identity card of a product and as such it should not be misleading.[10] The presentation of foods, in particular their shape, appearance or packaging, the packaging materials used, the way in which they are arranged and the setting in which they are displayed is subject to this basic rule,[11] as the European Court of Justice recently recalled to some sellers, not of food but of sensations or emotions.

The Court of Justice was confronted with an herbal tea in which raspberries and vanilla, attractively evoked in the name and on the images of the package, disappeared in the list of ingredients.[12] The Court has placed limitations on the protection of consumer expectations, in defining the concept of "average consumer, reasonably well informed and reasonably observant and circumspect."[13] It is a pity that the Court overestimated the knowledge and attention of a consumer, who often has neither the time nor the reflex

7. Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising (OJ L 376, 27.12.2006, p. 21) and Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market (OJ L 149, 11.6.2005, p. 22).
8. Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (also known as "FIC Regulation") (OJ L 304, 22.11.2011 p.18).
9. See D. Bianchi, "Politique agricole commune, régime juridique des produits agroalimentaires," *Juriclasseur*, fasc. 1326, août 2017 and the bibliography quoted.
10. Article 7 of Reg.(UE) n. 1169/2011.
11. See A. Di Lauro, "Le mensonge dans les règles de la communication : instruments pour une gestion soutenable et "adéquate" de l'information du consommateur," in *Production et consommation durables : de la gouvernance au consommateur-citoyen*, Québec , Les éditions Yvon Blais Inc., 2008, p. 517-541.
12. Judgement 4 June 2015, case C-195/14, Teekanne.
13. In particular judgements of 2 Feb. 1994, case C-315/92, Clinique, Rec., 1994, I-317; 18 May 1993, Yves Rocher, case C-126/91, Rec., p. 2361; 6 July 1995, case C-470/93, Mars, Rec., p. 1923.

to read the labelling, particularly when other elements of marketing disturb their already reduced attention to read the label of the product.

In the Darbo case,[14] the Court held that the consumer was not misled by the use of the words 'naturally pure' referring to a German jam containing pesticide residues, cadmium and a gelling agent which were indicated in the list of ingredients. While fully respecting consumer protection, the Court held that the presence of pectin was authorised by Community directives on the composition of jam, and that the presence of residues, within the tolerance limits, was the inevitable consequence of pollution.[15]

In its judgment in the above-mentioned herbal tea (Teekanne) case, the Court made a clearer path towards the protection of consumers by providing a shield against increasingly widespread abuse in the wild world of marketing. It stated that 'the list of ingredients may in some situations, even though correct and comprehensive, not be capable of correcting sufficiently the consumer's erroneous or misled impression concerning the characteristics of a foodstuff that stems from the other items comprising its labelling." The Court referred expressly to the images on the packaging, which misled the purchaser as to the true characteristics of the product.[16]

To enhance this protection, there should be more courage on the part of the competent national authorities in pursuing such abuses, instead of the complaint often being left exclusively to the goodwill of consumer associations or to "word of mouth" via social networks.

The role of states

It is probably in its regulation of aspects that may seem trivial (as there is little attention to them in our daily habits) that we see how helpful the European Union is. However, the European Union fails to be noticed and is often forgotten. The nutritional information system is nevertheless far from being perfect. The information on packaging is often complex and confusing, and it is certainly often not easy to read. This leaves room for the marketing of the food industry.

The EU legislator has left a margin of discretion to the national legislators as regards not only the controls but also the provision of supplemen-

14. Judgement of 4 April 2000, case C-465/98, Darbo, Rec. 2000, I, p. 2297.
15. Pt 27 of judgement Darbo.
16. Pt 40 and 41 of judgement Teekanne.

tary information on the labelling. First of all, European legislation requires producers to provide consumers with a mandatory nutritional declaration that includes the following: energy value; the amounts of fat, saturates, carbohydrate, sugars, protein and salt. If space permits, this information is to be presented in tabular format with the numbers aligned. The table is normally presented on the back of the package—but not only for a question of space. No manufacturer would indicate any potential "unpleasant" content in the principal field of vision.

The only concession that the legislature made to the need for clarity of consumer information was to authorise the presence of additional forms of expression and the presentation of such information on the front of the packaging.[17] This information is, however, subject to a double limitation: it is optional, and it must be based on sound and scientifically valid consumer research. Both conditions limit its scope and use.

Member States may recommend to food business operators the use of one or more additional forms of expression or presentation. This should not mislead the consumer, as it is intended to facilitate the understanding of the contribution or importance of the food to the energy and nutrient content of a diet. This is why the additional information must be supported by scientifically valid evidence of understanding of such forms of expression or presentation by the average consumer. The Commission should assess that such systems are objective and non-discriminatory, and that their application does not create obstacles to the free movement of goods.

In some countries, European and non-European, testing is ongoing to help consumers in the difficult task of eating in a healthy way.[18] We will examine three approaches: the precursor, the latest test and, outside Europe, the most courageous one.

The British model

In 2013, the United Kingdom introduced an additional nutritional information system.[19] The labelling system, known as the 'traffic light system',

17. See article 35 of Reg. n° 1169/2011.
18. See Daniele Bianchi, "Feu rouge pour les informations nutritionnelles complémentaires en étiquette," *Revue de Droit Rural*, April 2018.
19. See Technical Guidance On Nutritional Labelling and Front of Pack Nutritional Labelling Guidance, available at http://www.nutritionalinformationservices.co.uk/tag/food-labelling/

indicates the number of calories and four nutrients (fat, saturated fat, sugar and salt).

The British agency responsible for food safety (the Food Standards Agency, FSA) developed minimum thresholds for each of the four nutrients in order to rank them according to three colours: red (high), orange (medium) and green (low). The classification of each nutrient into one of these three colours is based on its content in food.

The basic criterion is the thresholds for nutrition claims on foodstuffs that define the terms 'low in fat' and 'reduced sugar'. The FSA sets the thresholds that entitle a product to move from 'orange' to 'red' on the basis of exceeding the basic threshold of 25 percent of the recommended daily intake of the nutrient in question.

In the original model, the FSA used the recommendations of the World Health Organization (WHO) and the British Committee on the Medical Aspects of Food and Nutrition Policy, which laid down a maximum daily intake of 50 grammes. The entry into force of the FIC Regulation increased the threshold (to 90 gr[20]) and therefore modified the criteria for the attribution of 'orange' or 'red'. This allowed certain big multinationals to change their initial reluctant opinion on the British model and to adopt it accordingly.

But other criticism can be made against this British traffic light system.

If the aim, according to the FIC Regulation, is to facilitate consumers' understanding of the contribution of the food to the energy and nutrient content of a diet or importance of the food, the result is partial or misleading.

The colour code system does not take into account all the nutrients, vitamins and minerals whose consumption must be encouraged.[21] Furthermore, nutritional food intake is unknown and it is suggested to consumers that, based on the content of the four nutrients only, a food is bad (red), good (green) or 'maybe good maybe not' (orange). Colour codes are defined per 100 g or 100 ml of the food and not per packet (except for the portion exceeding 100 g or 150 ml), which, for the consumer, does not make sense. No consumer will consume 100 g of butter, for instance, or not eat a half or a third of a pseudo-chocolate bar keeping the remaining portion in the fridge for the following day.

---

20. See annex XIII, part B of FIC Reg.
21. See annex XIII, part A of FIC Reg.

Finally, the combination of three colours simultaneously is ambiguous, since the average consumer can easily find himself confronted with similar products but with alternative colours depending on the content of the four nutrients, thus preventing any comparison.

The protests of several Member States, which found their production affected by this traffic lights system, led the Commission to initiate an infringement procedure[22] for alleged incompatibility with EU law in 2014. This procedure is still at the preliminary stage and pending.[23]

The French model

France introduced its additional nutritional information system at the end 2017[24] after having briefly tested four models. Among these four models, which were subject to testing in many supermarkets in various French regions, there was also the British model. The test served to prove that, at least for the French, the British 'traffic light system' was not useful as it was discarded.

The additional information system is optional, as laid down by European Law. In an annex, the Decree provides for technical specifications, addressed to the "volunteers", which establish the rules for determining the rating score per food based on nutritional aspects, on a scale of five colours. The score allows foods to be classified on a colour scale ranging from green to red, passing through yellow, orange and purple, coupled with letters (A/B/C/D/E) with a view to achieving greater visibility.

For each product, the overall score also takes into account a 'negative' and a 'positive' component. The first includes the amount of energy, saturated fat, sugars and salt. The second is calculated on the basis of the content of fruit and vegetables, nuts, fibres and proteins in food products. A special regime applies to milk, cheese and oils in order to reflect the 'specific character' of French food.

22. See Salas, G. Simoes, "Food: The European Commission Initiates Infringement Proceedings against the UK over its 'Traffic Light' Nutrition Labelling Scheme," *EJRR - European Journal of Risk Regulation*, 2014, pp. 531-534.
23. See Commission answer to European Parliament written question, 17 July 2017, n° E-003663/2017.
24. Cf. "Arrêté du 31 octobre 2017 fixant la forme de présentation complémentaire à la déclaration nutritionnelle recommandée par l'État en application des articles L. 3232-8 et R. 3232-7 du code de la santé publique," JORF n° 257, 3 novembre 2017. See. P. Borghi, "Rosso, giallo o verde? L'ennesima etichetta alimentare a semaforo," *Rivista di diritto alimentare*, Aprile-Giugno 2017, p. 79.

Known as the 'NutriScore', the French system is very similar to the UK model in its use of colours, even if it has a higher level of complexity. Complexity does not mean depth or accuracy of information, however, as we will see. Indeed, the only positive aspect highlighted by commentators,[25] when referring to the contribution of avoiding creating room for private initiatives, has been undermined by the initiative taken by some large food multinationals of adopting their own system[26] at European level, ironically called the 'evolved nutrition label'.

For the rest, the system raises the same reservations as the British model.

Moreover, the fact that the French system is built on certain nutrients, and not on the whole nutritional value of a product, makes its impact limited with regard to providing real information to ensure a balanced diet. In addition, the 'positive points' in the calculation actually alter the system, rather than improve it, because the simple addition of certain vegetables (often dehydrated) in the formulation of a prepared meal adds no value to the quality of food. Derogations for vegetable oils, milk or cheese only allow them to obtain the same colour code as industrial products.

This French NutriScore is a simplified system which, as some studies have shown[27], may have an impact on categories such as elderly people, low income, low level of education or low level of knowledge of nutrition. This concerns groups other than the average consumer identified by the case law of the Court of Justice.

The Chilean model

For once, Europe is not alone in exploring appropriate solutions for consumers. This reflects the fact, as is already the case for the environment, that public health and its corollary—consumer information—are problems without borders. South American tests show that innovative, and in some way more courageous, ideas can come from the other side of the ocean and not always from the northern hemisphere.

25. See Borghi, ibidem, *supra*.
26. Pepsi, Coca-Cola, Mars, Mondelez International, Unilever and Nestlé.
27. See Avis du Haut conseil de la santé publique (HCSP) du 24 août 2015; études de l'Institut national de la santé et de la recherche médicale (Inserm) in *Nutrients*, Aug. 2015, and *American Journal of Preventive Medicine* (AJPM), Dec. 2015.

Chilean legislation on the nutritional components of food and food publicity[28] merits a special mention. The lengthy legislative process and the four-year period needed to adopt implementing provisions are evidence of the difficulties (and pressures) with which the Chilean lawmaker had to cope.[29] The Chilean law, which concerns only the nutrient profiles, may be considered pioneering in several respects.

It provides for specific prohibitions for the sale and advertising of high-calorie food or food rich in nutrients (sugar, salt and saturated fat) in schools of lower level. These prohibitions also apply to advertising (including the use of gadgets, stickers or cartoon characters[30] to attract children) and to the free distribution of these foods for children under the age of fourteen.

This legislation is accompanied by an obligation for schools to organise courses for nutrition education and physical education designed to raise the awareness of young people about healthier eating habits.

Regarding the information on the label, the Chilean law imposes an obligation to display an octagon on the front of the package. Inside the octagon is the indication, in white letters on a black background, high in calories, high in saturated fat, high in sugars or high in salt. The use of the 'stop' signal in the Chilean Highway Code, and the use of an octagon and these colours, results in a certain stigmatisation of the products bearing it. This legislation is midway between complementary nutritional information and radical measures against so-called "junk food."[31]

Unlike the European models, this Chilean food label marking enables the consumer to immediately identify a product whose content is very rich in fat, sugar or salt.

---

28. Known as "ley de etiquetado de alimentos" of 6 June 2012, into force since 27 June 2016 : Ley No. 20.606 Sobre Composición Nutricional de los Alimentos y su Publicidad, available at: http://www.leychile.cl/Navegar?idNorma=1041570&idVersion=2012-07-06.
29. See décreto N° 13, Ministerio de Salud, of 16 Apr.2015. See Pilar Rodriguez, "La guerra entre Salud y el área económica del gabinete por el etiquetado de los alimentos", 20 November 2014, available at: http://ciperchile.cl/2014/11/20/la-guerra-entre-salud-y-el--area-economica-del-gabinete-por-el-etiquetado-de-los-alimentos/.
30. See Carreño, I. and Dolle, T. (2017). "The Relationship between Public Health and IP Rights: Chile Prosecutes Kellogg's, Nestlé and Masterfoods for Using Cartoons Aimed at Attracting Children," *European Journal of Risk Regulation*, 8(1), 170-177.
31. See Alberto Alemanno, "Health warnings on junk food", 25 March 2013, available at http://albertoalemanno.eu/articles/health-warnings-on-junk-food; Smith, E., Scarborough, P., Rayner, M., & Briggs, A. (2018). "Should we tax unhealthy food and drink?" *Proceedings of the Nutrition Society*, 1-7. doi:10.1017/S0029665117004165.

The Chilean socio-economic and legislative context explains the rationale for these measures, which do not have the disadvantage of being voluntary and complicated.

The Chilean food labelling law was preceded by a wide-ranging debate after the publication of very alarming data on obesity among young people and among the general population of Chile.[32] At the time the law was adopted, no soda (with the exception of 'zero' or 'light') and no breakfast cereal (except unprocessed) could meet the criteria for not displaying the black octagon.[33]

An apparent simplicity for an "unaware" consumer

These models have one thing in common: the Nudge theory.[34] Conceived by US researchers, this theory is based on the assumption that a 'nudge' allows individuals to make a 'choice' without obligation or sanctions in case of a wrong choice.

It is true that models based on prohibitions or sanctions often provoke counterproductive behaviours, but it is also true that these models of paternalistic liberalism are reaching their limits in the complexity of the problem they are trying to reduce to its simplest denominator. A balanced and healthy diet cannot be reduced to the choice of food identified in relation to three or four nutritional components, although these are the four most important.

The British, French and Chilean models have another thing in common. They refer to a kind of 'unaware' (or 'idiot') consumer, far from the notion of the "average consumer, reasonably well informed and reasonably observant and circumspect", stemming from the case law of the European

32. See Corvalan, C. et al., "Structural responses to the obesity and non-communicable diseases epidemic: the Chilean Law of Food Labelling and Advertising," *Obes Rev*, 2013, 14: 79–87; Mediano Stoltze F, Barker JO, Kanter R, Corvalán C, Reyes M, Taillie LS, Dillman Carpentier FR. "Prevalence of child-directed and general audience marketing strategies on the front of beverage packaging: the case of Chile." *Public Health Nutr.* 2018; 21(3):454-464.
33. See Vega, "Coca Cola cambió 59 fórmulas por nueva ley de etiquetado", 4 September 2016, available at: http://www.latercera.com/noticia/coca-cola-cambio-59-formulas-por-nueva-ley-de-etiquetado/.
34. See Thaler and Sunstein, *Nudge: Improving Decisions about Health, Wealth, and Happiness*, Yale University Press, 2008; Hansen, "The Definition of Nudge and Libertarian Paternalism: Does the Hand Fit the Glove?" *European Journal of Risk Regulation*, March 2016, pp. 155-174.

Court of Justice. The three models are based on the assumption that the consumer is not able to read the information on calories, protein, saturated fats and added sugars as indicated in the list of ingredients, in descending order, often accompanied by the content expressed in percentage. They are also based on the fact that the consumer may rely blindly on the 'subliminal' or less subliminal messages that the manufacturer printed on the label: 'artisanal product', 'grandmother's recipe', 'home-made', 'with added'...

The legislator then provides consumers with a tool of choice: a colour code (green or black), so that, like Pavlov's dog, they can make the right choice. Unfortunately, this additional information has not satisfied the need of consumers for simple and direct information. Indeed, the additional information could be seen more as marketing than information. And in some cases, it induces misinformation.

The optional nature of the French and British models weakens the idea of providing a system of comparison between thousands of products that do not bear the codes. Furthermore, if, as it seems, some manufacturers indicate the colour per portion, you can be assured that they will choose the size that enables them to obtain the green colour (or the yellow), regardless of the full content of the package. Another shortcoming is the fact that the colour is not a measure of the quality of a product (which, of course, does not depend on the presence of salt, sugar or fat) or of its being 'artisanal' or 'industrial' (which depends on the presence or absence of GMOs, additives, flavourings or highly technical processes). In fact, this is the best way to promote industrial products in which, unlike products made of a single or a few ingredients, the numerous components of the formulation may be differently determined or replaced by chemical substitutes.

A transparent and effective educational system should rather allow the recognition of food which does not use chemical ingredients (additives and flavours in the first place) and which has not been subject to highly industrial processes.

The colour marking is likely to result in a 'boomerang' effect for consumers by providing partial and potentially misleading information. These systems, no matter what their promoters say, do not enable the identification of 'good' or 'bad' food. The most obvious example is that of milk, which will not be marked in green, due to the presence of fats, whilst beverages with sweetener will display the green colour because they have a reduced caloric content. The same thing will happen to ham or meat products (orange/red colour) compared to pre-cooked meals: the latter may even

obtain the green colour because the industry will be able to manipulate the formulation by subtracting calories, fats and sugars and adding flavourings and preservatives and subjecting the product to treatments for recreating the food finally represented on the package.

Extra virgin olive oil, the cornerstone of the Mediterranean diet because of its health benefits, will not obtain the green colour either, although 'light' products from the food industry would display this colour.

Moreover, these systems do not consider the recommended doses and daily intakes. There is therefore a risk that an industrial preparation with low fat can be labelled 'green' (and thus be considered beneficial) despite that it does not contain any component necessary for a balanced diet.

As highlighted by the doctrine, these three models all raise criticism from the point of view of compliance with EU law.[35] Indeed, there is a risk that they may be considered as protectionist measures hampering and distorting intra-EU trade and WTO rules on international trade.

In the light of experience, the European Commission was due to submit a report, by 13 December 2017, to the European Parliament and to the Council on the use of such additional forms of expression and presentation, their effect on the internal market, and the advisability of further harmonisation of these forms of expression and presentation.[36] As of this writing, the report is still due.

An alternative solution for an "aware" consumer

The European Union is not an abstract entity that imposes rules from the mythical city of Brussels. Without the contribution of the 'citizens/consumers', none of these rules would be meaningful. The consumer has a genuine power of life or death over the product, with economic consequences for the manufacturer - whether or not multinationals - whose survival depends on the sale of the product.

Consumers should not just be satisfied by food the health of which is based merely on the absence of contaminants or harmful residues (such as pesticides and antibiotics). This should go without saying! They should rather require that every food has the taste and nutrients that it must obviously have. Most processed products are only a reproduction of the natural

35. See Borghi, op cit, *supra*.
36. See article 35 paragraph 5 of FIC regulation.

food[37] through the addition of flavourings and additives, and through the use of techniques and processes for manipulating the ingredients.

While all these wonderful chemical mixtures may comply with the nutritional profiles of a so-called food in accordance with the rules, they nevertheless perfectly imitate the appearance, flavour and aroma of the most typical dishes without containing any of their most typical ingredients!

Ultra-processed food is characterised by a long list of ingredients that includes products one cannot normally find easily unless you are a chemist or an industrial manufacturer.[38] These are products that have also been subject to highly technological processes that not easily re-performed in a kitchen but rather in a laboratory.[39] This ultra-processed food is relatively cheap and, most importantly, ready for use or to pop into the microwave, thus creating the illusion that the time saved contributes to one's well-being. It is presented in attractive packaging covered with beautiful images, health claims and probably a colour mark. It usually also belongs to the ten multinationals controlling global food production.

Instead of referring to nutritional profiles that can be manipulated or artificially created by industrial processes and that have no connection to the quality of a product, it would be much simpler to distinguish food on the label, according to three categories and colours:[40]

- traditional or natural, in green (no preservatives or additives or vitamins added, no GMOs, nor any added sugars or treatment — like the substitution of components of an ingredient, water injection or irradiation... — apart from the simple mixing of ingredients, cooking or deep-freezing),
- processed, in yellow (food incorporating additives or flavourings, or that has undergone any industrial process)
- ultra-processed, in red (food incorporating more than five additives or preservatives, including an industrial process).

37. See D. Bianchi, *Comment lire l'étiquette*…, op.cit; p. 24.
38. E.g. hydrogenated oils, hydrolysed proteins, maltodextrine, inverted sugars, starch and syrup from different sources…
39. E.g. irradiation, recombination, addition or subtraction of components …
40. This is a simplified version of the NOVA model which suggests four food groups based on their degree of processing: fresh foods, food ingredients, processed foods and ultra-processed food. See Monteiro et al., "NOVA. The star shines bright", *World Nutrition*, January-March 2016, 7, 28-38. See also Cediel G, Reyes M, da Costa Louzada ML, Martinez Steele E, Monteiro CA, Corvalán C, Uauy R., "Ultra-processed foods and added sugars in the Chilean diet (2010)", *Public Health Nutr*. 2018; 21(1):125-133.

This proposal has the advantage of offering consumers a simple way to use basic products and thus to rediscover the principles of good cooking and healthy eating. In its frenetic use for profit, the food industry has lost these principles. Good cooking has been confined to culinary TV shows, and healthy eating to laboratory handling and allusive labelling ('light', 'zero' and the 'green' colour of a traffic light).

The current general legal framework for food law in Brazil: lights and shadows

In Brazil, the labelling of packaged food is mandatory and is regulated by legislation[41] through bodies such as the Ministry of Health, the National Health Surveillance Agency (ANVISA),[42] the Ministry of Agriculture and the National Institute of Metrology, Quality and Technology. The Código de Defesa do Consumidor (Consumer Protection Code) supplements the legal framework and can be used for issues not clarified by other regulations.

Labelling rules apply to all food offered to consumers for domestic or international trade, whatever its origin. When exporting or importing food that is ready to be offered to a natural or legal person that acquires or uses food, the labelling rules of the country of consumption must therefore be observed. This shows the importance of labelling legislation in the framework of international trade.

What is important is the awareness of the consumer and their power. Achieving this is tantamount to a good nutritional education, and the efforts made by the Brazilian government deserve praise worldwide.

In Brazil, the promotion of healthy food as a strategy to prevent certain diseases, as well as to control nutritional diseases and malnutrition, is carried out by the Ministry of Health through the National Policy on Food and Nutrition (Política Nacional de Alimentação e Nutrição—PNAN).

One of the main achievements of this policy was the drafting of a strategic document: "*Guia Alimentar para a População Brasileira*" ("Food Guide for the Brazilian Population").[43] Published in 2014 by the Ministry

41. See in particular Resolução RDC Nº 259, 20 Sept. 2002.
42. The legislation is available on the website of the Agency: http://portal.anvisa.gov.br/
43. http://www.paho.org/bra/index.php?option=com_docman&view=document&category_slug=seguranca-alimentar-e-nutricao-997&alias=1509-guia-alimentar-para-a-populacao-brasileira-9&Itemid=965

of Health, this document presents information and advice on food consumption, and aims at promoting a healthy lifestyle for individuals, families and communities in the Brazilian heterogeneous society. The document has the courage to put at the top of the list of recommendations the principle[44] that food is more than nutrient intake, and to draw consumers' attention to a socially and environmentally sustainable food consumption of fresh food or minimally processed food. This golden rule should be raised as a general principle of any food policy and as a guideline to the consumer in the jungle of labelling information.[45]

The guide identifies the dietary guidelines of the Brazilian population in order to promote health through educating the population on food and nutrition and through subsidising national food and nutrition policies and programmes. In addition, rather than formulating prohibitions,[46] it also promotes the recovery of a healthy diet based on typical Brazilian food, and the identification of foods whose consumption should be stimulated.

The priority actions of the governmental agencies[47] are the reduction of the levels of sodium, sugar, and fats, especially saturated and 'trans' fats in processed foods; the nutritional labelling of foods; and, more recently, allergens labelling.

In 2015, Brazil adopted a National Pact for Healthy Eating ("Pacto Nacional para Alimentação Saudável"),[48] to expand the supply, availability, and consumption of healthy foods and to combat overweight, obesity, and disease caused by a poor diet.

---

44. "*Prefira sempre alimentos in natura ou minimamente processados e preparações culinárias a alimentos ultraprocessados"*.
45. On the role of ultra-processed food, see Monteiro, Carlos Augusto; Levy, R. B. (Org.), *Velhos e novos males da saúde no Brasil : de Geisel a Dilma*, 1. ed. São Paulo, Hucitec/NUPENS-USP, 2015. v. 1; v. Monteiro et al., "Dietary guidelines to nourish humanity and the planet in the twenty-first century. A blueprint from Brazil", 2015, *Public Health Nutr.* 18, 2311-2322.
46. See National Plan for Coping with Non transmissible chronic diseases (2011–2022) Brazil. Ministry of Health Secretariat of Health Surveillance. Secretariat of Strategic and Participatory Management. Vigitel Brazil 2010: Surveillance of risk factors and protection for chronic diseases by telephone survey. http://bvsms.saude.gov.br/bvs/publicacoes/vigitel_2010.pdf.
47. See Jane Mara Block, Adriana Pavesi Arisseto-Bragotto, Maria Manuela Camino Feltes, "Current policies in Brazil for ensuring nutritional quality", *Food Quality and Safety*, Volume 1, Issue 4, 21 December 2017, pp. 275–288, https://doi.org/10.1093/fqsafe/fyx026.
48. Decreto No. 8.553, de 3 de Novembro de 2015, art. 1, Planalto.

Although less complex and sophisticated than European legislation, the Brazilian legislation has many characteristics comparable to its European equivalent. It would be difficult to make an exhaustive list of these elements in a few pages. However, it is possible to identify some lights and shadows in this legislation, in particular in relation to nutritional labelling.

The regulation of nutritional labelling has been mandatory in Brazil since 2003[49] and harmonised in the scope of Mercosul. The nutritional labelling of food forms part of the PNAN strategies as this labelling is considered an instrument that may facilitate the choice of healthy food by the population. The nutriment to be indicated in the nutritional table includes information such as caloric value; carbohydrates; proteins; total and saturated fat, 'trans' fats; cholesterol; fibre; calcium; iron and sodium, and the percent of the daily value of each nutrient per serving of fat. Brazilian consumers are confronted with the same difficulties as their European counterparts: the table is complicated to read. The Brazilian legislator should have made a particular effort in simplifying the appearance of the nutritional messages and should have taken into consideration the level of education of the population. The compulsory nutritional labelling not only targets the consumers of Alto de Pinheiros in São Paulo or Ipanema in Rio but also some 12 million illiterate inhabitants out of a total of 210 million inhabitants.

Other nutritional information also appears on the label and is subject to rules. EU rules on nutrition and health claims have been established by Regulation (EC) No 1924/2006. Since 2012 this other additional information is mentioned in Brazil as supplementary nutritional facts or nutritional claims[50], which suggest that a food possesses particular nutritional properties, especially but not only in relation to its energy content and/or its content of proteins, fats, carbohydrates and fibre, as well as its vitamin and mineral content.[51] Compared to European legislation,[52] where flavourings are divided into two categories (artificial, created by chemical synthesis in

49. See Resolução RDC Nº 359, 23 Dec. 2003, Resolução RDC Nº 360, 23 Dec. 2003 completed by Resolução RDC nº 163,17 Aug. 2006. Technical Regulation of Portions of Packed Foods for Nutritional Labeling Purposes. http://portal.anvisa.gov.br/documents/33880/2568070/res0359_23_12_2003.pdf/76676765-a107-40d9-bb34-5f05ae897bf3.
50. See Informação Nutricional Complementar (INC), Technical Regulation on Complementary Nutrition Information. Technical Report nº 54, November, 12, 2012. http://bvsms.saude.gov.br/bvs/saudelegis/anvisa/2012/rdc0054_12_11_2012.html.
51. I.e. "fonte de fibras", "rico em cálcio", "baixo teor de sódio"...
52. See Regulation (EC) No 1334/2008 on flavourings and certain food ingredients with flavouring properties for use in/on foods (OJ L 354, 31.12.2008, p. 34).

laboratories; or natural, of vegetable, animal or microbiological origin), Brazil has a third category: 'flavourings (synthetic) identical to natural flavourings.'[53] Currently, the majority of flavourings used are 'identical to natural'.

The difference between an identical and a natural flavouring is the method of production of its molecules. Whereas the molecules in natural flavourings are obtained from products of animal or plant origin, by physical processes, the molecules in an identical flavouring are created by chemical synthesis in laboratories. But given that "identical flavourings" are "synthetic flavourings" that have the same aromatic molecules as natural flavourings, there can be no justification for a different name. *Qui prodest*? Certainly not for consumers' clarity.

In the EU, the presence of allergens in food has been regulated since 2000[54]. Discussion on food allergens labelling in Brazil started in 2008. Blocked by difficulties in finding a harmonised approach in MERCOSUL, the legislator finally adopted a text in July 2015.[55] The labelling of 18 allergenic foods and/or their derivatives entered into force in July 2016, after a one-year transitional period. Until then, certain food companies were providing allergen information on labels on a voluntary basis. Due to the absence of scientific evidence on the main allergens affecting the Brazilian population, the list of the Codex Alimentarius for allergens was used as a reference.[56] The legislation does not allow for any derogation for food that may not contain allergens by nature. It is thus possible to find at the supermarket fruits or sugar or salt labelled "gluten free". By contrast, overcautious manufacturers may label their egg packages "allergens: it may contain eggs". And what else?

It would not be appropriate to complete this outline of Brazilian food legislation, without mentioning genetically modified organisms (GMOs). Brazil is the second biggest producer of GMO crops in the world, with an area of more than 40 million hectares dedicated to the planting of GMOs. It comes only behind the United States.[57] As of 1 November 2016, there are

53. "Aromas (sintéticos) idênticos aos naturais".
54. See Directive 2000/13/EC.
55. See Resolution no 26 from December 2nd 2015. Report on requirements for mandatory labelling of major foods that cause food allergies. https://www.legisweb.com.br/legislacao/?id=286510
56. The list contains 22 allergens against 14 for the EU (Regulation (UE) n. 1169/2011) and 9 for the USA (Food Allergen Labeling and Consumer Protection Act of 2004).
57. https://gain.fas.usda.gov/Recent%20GAIN%20Publications/Agricultural%20Biotechnology%20Annual_Brasilia_Brazil_11-22-2016.pdf

58 GMOs approved for commercial cultivation in Brazil (compared to one in Europe), of which 34 are for corn, 12 for cotton, 10 for soybeans, one for dry edible beans and, most recently, one for eucalyptus.

GMOs are governed by the Biosafety Law of 2005,[58] which regulates principles established by the Constitution regarding the preservation of the environment and the country's genetic patrimony, as well as the supervision of entities dedicated to research and the manipulation of genetic material. As far as labelling is concerned, a decree was issued in 2003 to regulate the right to information, as guaranteed by federal law, on food and food ingredients intended for human consumption and animal feed when they contain or are produced from GMOs.[59] Pursuant to the decree, the Ministry of Justice issued the Administrative Act[60] which defines and depicts the "transgenic symbol" (a yellow triangle with a black T inside) to be used in the marketing of foods and food ingredients containing or produced from GMOs.

In spite of 15 years of application,[61] the labelling of GMOs is still questioned. There are new bill proposals currently being discussed at the national congress that seek to alter the GMO labelling rules, with some even questioning their existence.[62]

How could Brazil benefit from nutritional labelling experience?

Brazilian nutritional labelling has many similarities with the EU model[63] including its apparent complexity for unaware consumers who simply

58. Lei No. 11.105, de 24 de Março de 2005, art. 1, http://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2005/Lei/ L11105.htm#art42
59. Decreto No. 4.680, de 24 de Abril de 2003, art. 1, http://www.planalto.gov.br/ccivil_03/decreto/2003/ D4680.htm#art8.
60. Portaria No. 2.658, de 22 de Dezembro de 2003, available on the website of the Ministry of Justice, at http://portal.mj.gov.br/main.asp?View={4521CE7B-732B-40EB-B529-F-9200C365E93}
61. See de Castro, Biancca Scarpeline, "15 Years of GMOs in Brazil: risks, labelling and public opinion," *Agroalimentaria* [en linea] 2016, 22 (Enero-Junio), available at http://www.redalyc.org/articulo.oa?id=199245407006.
62. For instance, Bill Proposal n. 4148/2008 approved on April 29, 2015 by Brazil's House of Representatives by 320 to 135 to amend the current labelling legislation Executive Order 4,680/2003. The new Draft Bill establishes that only products which have more than one percent of GMOs in their final composition must be labelled. Another important change is the decision to withdraw the requirement for the "T" label. The Bill is now at the Senate.
63. Currently contained in the FIC regulation, firstly introduced by Council Directive 90/496/EEC of 24 September 1990 on nutrition labelling for foodstuffs (OJ L 276,

do not have any knowledge of basic nutritional recommendations. But this lack of knowledge is not linked to education (or the lack of it). If Brazil is the country with the second highest consumption per capita of sugar (600 kcal/day), the US has the highest worldwide consumption of sugar per capita (658 kcal per day).[64]

Other South American countries are developing similar models.[65] In Brazil, the indication of the excessive presence of some nutrients is under consideration, as already happens in the Chilean model. Anvisa is leading discussions on the choice of model between that of Chile, pushed by consumers' associations[66], and that of the UK, pushed by the industry.[67] A proposal to adopt the traffic lights system was lodged previously but never adopted.[68] The perspective of general elections in October 2018 and the well-known links between the agro-industry ("bancada ruralista") and the current government are certainly unlikely to help the acceleration of the process of adopting a new front-of-package nutritional information model.

The Brazilian health situation is dramatic. According to the Brazilian Ministry of Health, 3 out of 4 deaths are due to diseases linked to lifestyle. According to recent research from the National Cancer Institute and the Ministry of Health, more than 600,000 new cases of cancer arise in Brazil each year. But what is more disturbing and at the same time challenging is that one third of cancer cases could be avoided with a healthier lifestyle.

6.10.1990, p. 40).

64. The estimated average for sugar consumption in Brazil is 30.1 kg per year: see ABIA (Brazilian Association of Food Industries), Cenário do consumo de açúcar no Brasil. Estudo baseado em dados do Instituto Brasileiro de Geografia e Estatística. http://www.abia.org.br/vsn/temp/z201747infograficoabiaacucar.pdf.
65. In South America, Ecuador is testing a variation of the UK traffic lights system and Uruguay is doing public consultations on a model based on the Chilean experience. This latter could have an impact as Uruguay is part of MERCOSUL where nutritional labelling is among the harmonised rules inside the group. Canada and Israel are both studying the Chilean model.
66. Aliança pela Alimentação Saudável e Adequada supported by 32 organisations among which the Instituto Brasileiro de Defesa do Consumidor (Idec) ; http://alimentacaosaudavel.org.br/; see V.Prates, B. Ribeiro, "Rotulagem de alimentos: entenda o debate e suas repercussões," Dec. 2017, *Boletim BMJ*. The Aliança's proposal is supported also by a worldwide group of nutritionists and scientists, see Carta do 14 Março 2018 on their website.
67. Rede de Rotulagem da Industria, in particular Confederaçao Nacional da Industria (CNI) and Associaçao Brasileira das Industrias de Alimentacao (ABIA).
68. Projeto de Lei do Senado (PLS) n° 489/2008 by C. Buarque; Projeto de Lei (PL) n°5522/2016 by V. Macris.

The recommendations of the "Guia Alimentar para a População Brasileira" are no longer enough. The recommendations of international bodies, including the World Health Organization (WHO) and the Pan American Health Organization (OPAS), that the adoption of appropriate food labelling rules contribute to improved food choices and consequently to the prevention of obesity, hypertension, diabetes and other chronic diseases[69] should be implemented in an effective way by national governments.

On one hand, it is a basic right of consumers to be given "adequate and clear information on the different products and services, with the quantity, characteristics, composition, quality, price and risks they present", as provided for in the Consumer Code (CRC). On the other hand, surveys conducted both by Anvisa and by consumers' associations[70] show that the existing rules on nutrition information on food labels in Brazil do not guarantee the right to information on the composition and nutritional quality of food, due to various problems and comprehension of the content and display of contradictory messages on the front of packaging.

Doing nothing is not an option, given the serious health situation of the Brazilian population. It was the same dramatic reasons that pushed Chile to adopt its rules.

Brazil has the opportunity to adopt the Chilean model. However, Anvisa hides its reluctance to do this behind the fact that no data exist proving the efficacy of one mode over another. The time span of current experience is quite limited and if we consider the limits of the models (their voluntary nature and a semi-illiterate consumer target), it is true that this does not help.

Brazil could also opt for a revised traffic lights system based on the model suggested in above, which uses the NOVA system of Brazilian Professor Monteiro. This would be less stigmatising than the Chilean model but would still target ultra-processed food in a more direct way than the soft European traffic lights systems.

Conclusions

All these initiatives are justified by public health considerations. Apart from a few specificities, obesity, diabetes and cardiovascular diseases are

69. See in particular WHO, Global Status Report on non-communicable diseases, 2014.
70. See Revista do Idec n°208, Sept-Oct 2016, p. 16.

issues that know no borders. According to recent studies from the WHO, the whole world will face a crisis of huge proportions of obesity by 2030, with many countries at risk of having over half their adults overweight.

Faced with the development of national initiatives, it may be questioned whether it would not be more appropriate, on the one hand, for the European legislator to take back the pen, and on the other hand, for those countries that still do not have any legislation, to take action.

In Europe, the main drawback of the models tested is that they do not impose mandatory nutrition labelling across the country. Secondly, nutritional labelling, as we have seen, only partly meets the needs of "uninformed" consumers as it provides for only partial or ambiguous information.

Law-makers worldwide should do more than merely make recommendations. Ongoing experience rather speaks in favour of regulatory measures in order to be more effective.

The legislator should go back to basic principles. What is food?[71] If we confine ourselves to its definition in EU law, which can be summed up by saying that it is anything that may be ingested by humans, on the basis of this definition, without any quality benchmark, any activity of the food industry could be justified. There is no longer any need to mention a food recipe; it is simpler to call it by its real name: formulation. In this respect, the Brazilian definition of food is more qualitative oriented which could help setting a legal framework that favours natural and less processed food compared to ultra-processed, as food should contribute to the nutrition of the human organism and is not simply reduced to something that can be ingested.[72]

From the point of view of informing consumers, any model should try to obtain the correct balance by referring to the dosage of all proteins and nutrients contributing to a healthy diet. The main limit of the simplified models currently being tested is that they are simply built around the respect of a colour code applied to individual products that are artificially manipulated. It is not therefore only the legal compatibility of a partial

71. See Article 2 of reg. n° 178/2002: "food" (or "foodstuff") means any substance or product, whether processed, partially processed or unprocessed, intended to be, or reasonably expected to be ingested by humans.
72. See Capitulo 1, artigo 2, I do decreto-lei nº 986, 21 Oct. 1969. "Alimento: tôda substância ou mistura de substâncias, no estado sólido, líquido, pastoso ou qualquer outra forma adequada, destinadas a fornecer ao organismo humano os elementos normais à sua formação, manutenção e desenvolvimento".

information tool with the fundamental principle of consumer protection that can be called into question, but also the true logic of the models. A balanced diet is based on eating varied food and reasonable quantities of it. The balance is acquired with education.[73]

Education requires good information. This is the real battle for consumers and the benchmark for any information system. That is why consumers should require their respective law makers to enable them to distinguish between the 'natural' ingredients (that are expected to be found in the basic foodstuff by tradition or simple logic) and the "industrial" or "artificial" ingredients.[74]

The protection of public health and of consumers is a universal principle. The solutions already found in one country can be shared in order to guide the reasonable choices of national legislators more in the interest of the consumer. The food industry's influence is strong both in Brazil and in Europe. Brazil could opt for the European sophisticated (and less effective) model or make its legislation more revolutionary by adopting the Chilean model.

Brazil could also build on experience on ultra-processed food to opt for a revised traffic lights system that is less stigmatising than the Chilean model but that will still target ultra-processed food in a more direct way than the soft European traffic lights systems. This cannot be seen as a back-to-the-past battle to preserve tastes that have disappeared, nor can it be seen as an anti-globalisation fight against industrial-capitalism. Nobody denies the food industry's contribution to feeding a growing population, and to improving the distribution, conservation and production of food for the emancipation of women. However, industrial processes have quickly diverted from simple food production on an industrial scale to become almost mass production of 'chemical' products that have nothing to do with the original food, other than their name and appearance. Food has become a tool for industry and not vice versa.

Adopting a revised traffic light system would be a way to protect Brazilian consumers and, at the same time, to strengthen the country's economy in this time of crisis and on the eve of negotiating free-trade agreements.

---

73. See Souza, Sônia & Lima, Kenio & do Socorro Costa Feitosa Alves, Maria, "Promoting public health through nutrition labeling - a study in Brazil". *Archives of Public Health*. 74 (2016).
74. See D.Bianchi, *Comment lire l'étiquette*…, op.cit., p. 25.

Brazil is a major agricultural country, with the potential for developing an agricultural production of high quality on the basis of international standards, not only huge quantities for export. Typical Brazilian food has characteristics of the Mediterranean diet. The Portuguese, Italian, Spanish presence makes Brazil a kind of far west border of Europe on the other side of the Atlantic Ocean. The addition of Japanese and Asian influence has allowed the indigenous tradition to be expanded thanks to these culinary ingredients and the handcraft of African slaves.

All this can contribute to making the Brazilian diet a model of healthy food, but today unhealthy lifestyles and habits put it at risk.

In Brazil, where the consumption of processed foods has greatly increased, the reduction of saturated and 'trans' fats, sodium, and sugar in these foods seems an effective strategy for reducing the intake of these compounds by the population. The goals established by international health agencies should be effectively achieved through partnerships between government agencies, industry, and non-governmental organisations. In addition, adequate nutrition labelling and consumer education will allow healthier food choices by the population. The appropriate response from the food industry, consumer education, and effective regulatory and enforcement policies will allow changes to dietary habits and improve the population's health.

It is clear that everything has a cost—"except values," as the philosopher Nietzsche said.

There is a false idea that investing in consumer information and providing quality and natural food increases costs that not all consumers would be prepared to pay. One can imagine the interests which are behind those ideas; the myth that food should always be cheaper and cheaper should lead the consumer to reflect. There is a popular proverb that says: "there is free cheese only in a mouse trap".

There is also the widely spread idea that voluntary labelling programs are more efficient. In name of this, part of the food industry in the US is trying to keep Chile's model from being adopted more widely. In the new NAFTA talks, the US administration would try to introduce a clause preventing any warning symbol, shape or colour that "inappropriately" denotes that a hazard exists from consumption of the food or non-alcoholic beverages. If confirmed, the attempt of the Trump administration to limit the ability of NAFTA's members (including the US) to warn consumers

about the dangers of junk food in the current ongoing trade talks,[75] proves that lawmakers need to find the courage to put health interest first.

"Let's not eat shit anymore!", the late Jean-Pierre Coffe, the great defender of good and healthy food, said in one of his books.[76] Helpful labelling should shed more light on that "shit" before it passes from your dish into your stomach. Happy reading and bon appétit!

75. As reported by *New York Times*, 20 March 2018.
76. S. J.P. Coffe, *Arrêtons de manger de la merde!*, Flammarion, Paris, 2013.